Can a Supplier Charge for Samples?

A new supplier that we never did business with offered a new floor cleaning machine that was claimed to be much better than anything else on the market and supplied a solution so we could test the machine. We found the machine unacceptable and returned it, but the supplier invoiced us for the solution we used in the machine. We don’t think this is fair and don’t want to pay for the solution. The supplier is demanding payment. Must we pay for it?

The answer depends on what was said and witnessed and what, if anything, was in writing. Different courts may rule differently, but, generally, if you use a consumable, you must pay for it unless there was something in the agreement that indicated otherwise, or if the product (the solution) did damage or harm.

How much of the solution did you use and how long you used it may be factors in determining your obligation to pay for it.

This situation is one that buyers frequently encounter. Too often sellers offer something free or something to be tested. The buyer may easily be taken in by such offers and later finds that his firm is obligated to pay something. Accepting any samples or item for testing contains a raft of problems. Agreement to accept such items are frequently given by non-purchasing professionals who are not aware of all the potential problems.

Any acceptance of items for testing should be documented by a signed written agreement by both the authorized buyer and authorized seller. The written document should indicate the extent of liability of the parties involved.

-Welcome new Chapter member!

Jenna Brabham
Sr. Bookkeeper/Travel Coordinator
Gulf Coast State College

Sherri Bonner
Escambia County Board of County Commissioners

UPS signed an agreement with Clean Energy Fuels Corp. to purchase 170 million gallon equivalents of renewable natural gas (RNG) through 2026. RNG is a key part of UPS’ strategy to increase its alternative fuel consumption to 40% of total ground fuel purchases by 2025, supporting the company’s efforts to reduce the greenhouse gas emissions of its ground fleet 12% by 2025.
Procurement Dictionary Terms

**Warranty** – simply promises that something is true.

**Express Warranty** - terms are expressly written in contract.

**Implied Warranty** – not written, but implied (e.g., a toaster should toast and a care should drive).

**Material Breach** – some major aspect of contract has been breached, destroying substantial value of purchase.

**Minor Breach** – some minor aspect of contract has been breached, not destroying value of purchase.

**Remedy** – an action taken following breach by the breaching party to make the breached party whole again.

1. What year did you join the chapter? **2012**
2. How long have you worked in the procurement profession? **26 years**
3. What organization do you work for? I work for The University of West Florida, also know as West Florida and UWF as Director, Procurement and Contracts, University of West Florida. UWF is a mid-sized public university located in Pensacola, Florida. Established in 1963 as a member institution of the State University System of Florida, the University is a comprehensive research university without faculties of law or medicine, a designated space-grant institution, and sits on the third largest campus in the State University System, at 1,600 acres.
4. What is the most interesting, unusual or challenging purchase in which you have been involved? **Interesting**: University Park – new Athletic Facilities to accommodate UWF’s new Football Program; **Unusual**: Lease/Sale of UWF’s Golf Course; **Challenging**: Next Generation Integrated Library System (ILS), whose software would be utilized by Florida’s 40 public entities (State Colleges and Universities).
5. What professional certifications do you hold? **None** – did everything but take the test.
6. What is your favorite past-time or hobby? **Need I say more? Look at these pictures.**

As of right now, I am known as Gigi and Chris is known as Pops.

7. Share a little known fact about yourself. **I’m half Portuguese and a twin.**

Since 1956, Quill.com has delivered office and classroom supplies to customers across the country along with little extras that allow you to treat your students, staff and budget. This year Quill was awarded the 1GPA Contract #19-08-PV-03 for Office & School Supplies. They can offer special pricing over 300 items to 1GPA members. If you have any questions about how to start receiving 1GPA contract pricing, please reach out to: Cameron Shapiro 847.876.4209 Cameron.Shapiro@quill.com
Smart Vending
Smart Market is a self-checkout secure vending market designed to be simple and safe, making it the perfect solution for public locations. Whether it’s in a hospital, university, hotel lobby, or a multi-tenant office building, we’ve got you covered with snacks, drinks and meal options galore—250 to 400 products, to be exact! Pull picture from Canteen’s website. https://www.canteen.com/smart-market/

Campus Safety
What are the elements of an emergency response plan?
Disasters can strike at any time, on any given day. For some events, you may have the opportunity for prep time, but others happen without any warning. Whether a disaster is natural or man-made, having an emergency response plan in place will help you be better prepared.

Working with an organization familiar with campus emergencies is helpful to ensure your plan considers the types of incidents that can occur. Before developing the plan, risk assessment is critical. Conducting a risk assessment helps identify events that could impact your organization.

The minimum critical elements of an effective emergency response program should include:

- A risk assessment specific to the organization and community;
- Develop a robust emergency plan that addresses how to mitigate, prepare, respond, and recover from hazards and risks; include crisis communication planning and provide training, drills, and updates. Once the plan is complete, practice is the key.

An effective emergency response program would not only include an evacuation plan, but also a plan to shelter-in-place when necessary. If the decision is to shelter-in-place additional needs include securing buildings; maintaining sufficient food and water supplies; communication and accounting for students, faculty and staff.

An emergency response plan should be a living document. It needs to be updated on a regular basis and tested at least annually. The plan should also be developed and written in an operational, user-friendly manner.

Responding to any event will still be a challenge. However, the ability for your team to coordinate the response to protect your community’s safety and welfare and maintain the reputation of the school will be enhanced by your planning and preparation.

- Vivian Marinelli, Psy.D., Sr. Director of Crisis Management Services for FEI Behavioral Health (www.feinent.com)

Kick it to the Curb
Amazon might be the clear winner in delivery but Walmart is the leader in grocery pickup, with more than 3,000 stores set to offer free grocery pickup service by the end of 2019. Between 11% and 13% of Walmart customers use curbside service, and by next year it will account for 33% of the retailer’s digital sales.

- Cowen and Company

HP, Inc. aims to increase recycled-content plastics across its printer and personal systems portfolio to 30% by 2025. To date, HP sourced approximately 700,000 pounds of ocean-bound plastic materials—or more than 25 million bottles—upcycling this material into HP cartridges and hardware, according to its 2018 Sustainable Import Report.
Upcoming Events:

2019 FL-TAGM Regional Meeting
“Getting in Tune With Procurement”
October 20-23, 2019
Perdido Beach Resort
27200 Perdido Beach Blvd.
Orange Beach, AL
For more information, visit
https://www.naepnet.org/group/Florida

Two Chapters coming together to form one Regional Meeting.

FAPPO 53rd Annual Conference & Trade Show
“Organizational Sustainability”
May 17-20, 2020
Rosen Centre Hotel
9840 International Drive
Orlando, FL 32819
For more information, visit
https://www.fappo.org/Content/Annual%20Conference

The Florida Association of Public Procurement Officials, better known as FAPPO, is a public purchasing association based in Florida. Association was established in 1968, is one of the oldest and most widely recognized professional statewide procurement organizations.

Laura Lou “Lulu” Long Subel – Rest in Peace Our Dear Friend

Our thoughts and prayers go to the family of Laura Subel. Laura was a dear friend, mentor and member of the Central Gulf Coast Chapter. Laura passed away August 30, 2019.

For those who may not know, Laura served as the Program Manager of our statewide PTAC program for many years before serving as a Procurement Specialist for the Florida PTAC at UWF. Laura was passionate about and dedicated to the Florida PTAC and our clients. She was loved and respected in the wider Florida government procurement and national PTAC communities, and her knowledge and straightforward advice was often sought out. No one was ever a stranger Laura – she always got to know you and loved a good chat.

Those that knew Laura will remember her passion for her work and coworkers, caring personality, and love of parties and chocolate.

In lieu of flowers, the family has requested that contributions be made to the Parkinson’s Foundation or to your local Salvation Army.

Enjoy your third and eternal retirement dear friend. You will truly be missed!

NAEP 2020 Annual Meeting
“Getting In Tune With Procurement”
April 5-8, 2020
Gaylord Opryland Hotel
Nashville, TN

99th Annual Meeting is all about "Getting in Tune With Procurement". This year we will offer over 40 educational sessions within six tracks, 1)Analytics, 2) Diversity/Sustainability, 3) Procure to Pay which includes: Contracts, Payables, Technology and Travel and Expense, 4) Strategic Sourcing, 5)Supplier Management and 6) Supply Chain.
For more information, visit:
https://www.naepnet.org/page/AMHome

While in Austin for the NIGP Forum last month, at the Annual Chapter President’s Appreciation Luncheon, NIGP acknowledge many chapters and individuals for their accomplishments to the organization. New this year, NIGP recognized chapter leaders that went above and beyond the call of duty. Congratulations to our leader Cindy Lambeth who “Rocked” it in 2018. Cindy we appreciate ALL you do for our chapter.